

AMENDED IN SENATE MAY 1, 2003
AMENDED IN SENATE APRIL 21, 2003

SENATE BILL

No. 684

Introduced by Senator Alpert

February 21, 2003

An act to amend Section 530.8 of the Penal Code, relating to identity theft.

LEGISLATIVE COUNSEL'S DIGEST

SB 684, as amended, Alpert. Identify theft: application.

Existing law provides that any person, upon discovering that in the person's name an unauthorized individual has made an application for certain services or has opened certain accounts, is entitled to receive the identifying information that was used by the unauthorized individual to apply for any service or open any account, upon the presentation of a copy of a police report and identifying information.

This bill would define "application" for the purposes of this provision to mean a new application for credit or service ~~or for~~, the addition of authorized users to an existing account, *or the renewal of an existing account*.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 530.8 of the Penal Code is amended to
2 read:

1 530.8. (a) If a person discovers that an application in his or
2 her name for a loan, credit line or account, credit card, charge card,
3 public utility service, or commercial mobile radio service has been
4 filed with any person or entity by an unauthorized person, or that
5 an account in his or her name has been opened with a bank, trust
6 company, savings association, credit union, public utility, or
7 commercial mobile radio service provider by an unauthorized
8 person, then, upon presenting to the person or entity with which
9 the application was filed or the account was opened a copy of a
10 police report prepared pursuant to Section 530.6 and identifying
11 information in the categories of information that the unauthorized
12 person used to complete the application or to open the account, the
13 person, or a law enforcement officer specified by the person, shall
14 be entitled to receive information related to the application or
15 account, including a copy of the unauthorized person's application
16 or application information and a record of transactions or charges
17 associated with the application or account. Upon request by the
18 person in whose name the application was filed or in whose name
19 the account was opened, the person or entity with which the
20 application was filed shall inform him or her of the categories of
21 identifying information that the unauthorized person used to
22 complete the application or to open the account. The person or
23 entity with which the application was filed or the account was
24 opened shall provide copies of ~~all forms and information~~ *paper*
25 *records, records of telephone applications or authorizations, or*
26 *records of electronic applications or authorizations* required by
27 this section, without charge, within 10 business days of receipt of
28 the person's request and submission of the required copy of the
29 police report and identifying information.

30 (b) Any request made pursuant to subdivision (a) to a person or
31 entity subject to the provisions of Section 2891 of the Public
32 Utilities Code shall be in writing and the requesting person shall
33 be deemed to be the subscriber for purposes of that section.

34 (c) (1) Before a person or entity provides copies to a law
35 enforcement officer pursuant to subdivision (a), the person or
36 entity may require the requesting person to submit a signed and
37 dated statement by which the requesting person does all of the
38 following:

39 (A) Authorizes disclosure for a stated period.



1 (B) Specifies the name of the agency or department to which
2 the disclosure is authorized.

3 (C) Identifies the types of records that the requesting person
4 authorizes to be disclosed.

5 (2) The person or entity shall include in the statement to be
6 signed by the requesting person a notice that the requesting person
7 has the right at any time to revoke the authorization.

8 (d) For the purposes of this section, the following terms have
9 the following meanings:

10 (1) “Application” means a new application for credit or
11 service ~~or for~~, the addition of authorized users to an existing
12 account, *or the renewal of an existing account*.

13 (2) “Commercial mobile radio service” means “commercial
14 mobile radio service” as defined in Section 20.3 of Title 47 of the
15 Code of Federal Regulations.

16 (3) “Law enforcement officer” means a peace officer as
17 defined by Section 830.1.

